IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.694 OF 2004
IN
WRIT PETITION NO.2688 OF 2004

Nagari Nivara Parishad & Ors..Petitioners
Versus

Municipal Corporation of Brihanmumbai
& Ors... ....Respondents

Mr. Dushyant Porekar with Mr. Rajiv Patil, for petitioners
Mr. M. More, AGP for Respondent No.3.
Mr. V.Mahadik, for Respondent Nos. 1 and 2.

CORAM: F.I. REBELLO & S.P.KUKDAY,JJ.
DATE : 29th April, 2005

P.C.:

1. Heard learned Counsel for the petitioner, State Government and the Corporation. Learned Counsel prays for interim relief from enforcing Circular dated 14th October, 2002 by applying condition No.15 which imposes condition of Rain Water Harvesting in terms of letter of Respondent No.2 dated 16th February, 2004.

. Heard learned Counsel for the parties. The circular and the condition of Rain Water Harvesting can only be insisted if the land on which the construction is being put up, considering the topography of the land and the nature of the soil is capable of rain harvesting. The petitioners, if it is the contention that it is not so capable, to apply to respondent No.1. The respondent No.1 on such an application to consider the same and in the event rain water harvesting is not possible then to grant necessary permission without insisting on rain water harvesting requirement as it is clear that the scheme can only be enforced if it is capable of being implemented on the land. The Application of the petitioner shall be disposed of within a period of 12 weeks from today.

2. With the above direction Motion stands disposed of.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)